

**POLK COUNTY
LAND USE HEARING OFFICER
STAFF REPORT**

DRC Date:	February 12, 2026	CASE #:	LDLSE-2026-1 (Juan Sanchez SE)
Hearing Date:	March 26, 2026	LDC Section:	Section 216.D

Request: The applicant is requesting a Special Exception to park a commercial vehicle (2000 Kenworth T800 dumpster truck) on approximately 0.82 acres of residential property.

Applicant: Juan L. Sanchez

Property Owner: Juan L. Sanchez & Traci Sanchez

Location: The subject property is located at 4100 Shady Hammock Drive, south and west of State Road 60, north of Nichols Road, east of Riverwood Drive, west of the City of Mulberry in Section 04, Township 30, and Range 23.

Parcel ID#: 233004-155202-000330

Size: ±0.82 acres

Land Use Designation: Residential Suburban (RS)

Development Area: Suburban Development Area (SDA)

Case Planner: Andrew Grohowski, Planner II

Summary:

The applicant is requesting a Special Exception to park a commercial vehicle (2000 Kenworth T800 dumpster truck) on approximately 0.82 acres within the Residential Suburban (RS) land use designation northwest of Mulberry. The site has direct access onto Shady Hammock Drive, a Local Roadway, and is less than ¾ miles west of State Road 60, a Principal Arterial Roadway. The roads in the immediate vicinity have no weight restrictions. The vehicle will be parked on the south side of the principal residence, screened from the public right-of-way to the north. A vegetative Type “B” Landscape buffer or a fence with a minimum height of six feet shall extend the length of the western property line, to screen the commercial vehicle from the neighboring residences to the west. Existing mature vegetation is along the eastern property boundary.

Staff finds the parking location to be sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216.D. The commercial vehicle will be more than 40 feet and 90 feet from the western and eastern property lines, respectively. In accordance with the section mentioned previously, the commercial vehicle is required to be appropriately buffered and screened from neighboring properties, and a commercial driveway will be required to protect the County’s roadway. Staff recommends approval based on the site plan provided by the applicant and recent visits to the site.

Development Review Committee

The Development Review Committee, based on the criteria for granting variances, the submitted application, and a recent site visit, finds that the applicant's request as written **IS CONSISTENT** with Section 931 of the Polk County Land Development Code (LDC) and recommends **APPROVAL** of **LDLSE-2026-1**

CONDITIONS OF APPROVAL:

1. This Special Exception shall be limited to parking one (1) commercial vehicle (*Exhibit 6*), or its functional equivalent as described in the application and staff report. No other commercial vehicles, heavy machinery equipment, or tractor/trailer rigs shall be parked on the site.
2. Approval of this special exception shall be for the operator (Juan L. Sanchez) of record only. Approval shall not be transferable to any other owner/occupant of the property. In the event the property is sold, or the operator ceases to reside on the property, the Special Exception approval shall not "run with the land" and shall be null and void.
3. No commercial vehicle maintenance shall be performed on the site and no outside storage of any commercial vehicle parts or equipment is allowed.
4. Parking the commercial vehicle on the operator's lot shall be limited to empty weight only (no load or cargo).
5. This commercial vehicle parking approval shall be contingent upon the applicant constructing a driveway to commercial standards for structural thickness and turning radius in accordance with Section 705.I of the LDC (*Exhibit 7*).
6. The commercial vehicle shall only be parked in the area to the rear of the home as generally designated on the site plan (*Exhibit 5*) and shall continuously meet the screening and buffering requirements listed in Section 216.D of the LDC (*Exhibit 8*).
7. The property owner(s) is responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
8. Approval of the Special Exception shall be valid for one year. Approvals may be renewed by the Land Development Division with a proper application submitted by the applicant 30 days prior to the expiration date (to be determined by the Land Use Hearing Officer) and evidence is provided to demonstrate that the conditions of approval have been met.
9. This Special Exception does not authorize any encroachments into easements, and the applicant shall be responsible to make certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.
10. The applicant shall meet all conditions of approval within six (6) months from the date the Land Use Hearing Officer's Final Order is rendered. All conditions of approval, unless otherwise specified, must be met prior to parking the commercial vehicle on the property.

Noncompliance with any of the conditions of approval will render LDLSE-2026-1 null and void.

GENERAL NOTES

NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other interested parties at a public hearing.

NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.

NOTE: All written commitments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.

NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with the LDC.

APPLICATIONS FOR COMMERCIAL VEHICLE PARKING AND STORAGE SHALL DEMONSTRATE COMPLIANCE WITH SECTION 216 OF THE LAND DEVELOPMENT CODE. DEMONSTRATION OF THE CRITERIA FOR GRANTING SPECIAL EXCEPTIONS FOR COMMERCIAL VEHICLES IS SUMMARIZED BELOW:

1. *Only one commercial vehicle, as regulated by this Section 216, shall be permitted on any residential lot;*

The request is to park one (1) 2000 Kenworth T800 dumpster-truck at the applicant's residence in the RS land use designation. Per the applicant, the vehicle measures approximately 11 feet high and 30 feet long and weighs approximately 17,500 pounds. As indicated by the submitted site plan (*Exhibit 5*), the truck will be parked to the rear of the principal structure. The parking location is outside of the existing drainage easement in the southern portion of property. Also the truck will not encroach on the 20' wide utility easement owed by TECO to the east. Nonetheless, no other commercial vehicles or trailers are permitted to park onsite.

2. *Commercial vehicle shall be currently registered and licensed;*

The applicant has provided a current and valid registration for the vehicle, which expires on December 31, 2026.

3. *The parking of said vehicle does not have a negative impact to the health, safety, or welfare of adjacent properties;*

Staff finds the request will have no negative impact on the health, safety, or welfare of adjacent property owners. The neighboring property to the east and west are within 200 feet of the proposed parking area. The view of the commercial vehicle parking area from the neighboring properties will be required to provide proper screening and buffering through a vegetative Type "B" Landscape buffer (*Exhibit 8*) or a fence with a minimum

height of six (6) feet may be used in lieu of, or in conjunction with, the vegetative bufferyard. Screening shall extend the length of the western property line, minimizing any visibility from the neighbors to the west. Existing mature vegetation is along the eastern property boundary. Should this be removed at any time, the applicant will need to provide a fence or vegetative buffer along the eastern property line to screen the vehicle from neighboring owners. If approved, the vehicle will be parked approximately 55 feet and 130 feet from the residential structures to the east and west respectively.

The subject site has about 67 feet of frontage on Shady Hammock Drive (Road No. 030502), a Local Roadway that consists of two (2) lanes with a paved surface width of approximately 20 feet, which meets the minimum ROW width standards. The roadway has a speed limit of 25 miles per hour. No sidewalks are located on this road or other nearby roads. The vehicle will travel just under ½ mile before reaching State Road 60, a Principal Arterial Roadway. State Road 60 is considered a major thoroughfare for commercial vehicles as industrial operations and warehouse facilities have historically stretched this corridor. As noted in the conditions of approval, a commercial driveway will be required to protect the edge of the County's pavement along Shady Hammock Drive from the stretching caused by such a heavy vehicle's turning movements on and off the property (*Exhibit 7*). Staff finds the ±0.82-acre property is sufficient to accommodate a vehicle such as this while meeting the standards required in Section 216.

4. *The applicant can demonstrate that denial of said request would place an unnecessary hardship on the property prohibiting the use of land in a manner otherwise allowed under this Land Development Code;*

The applicant did not include a demonstration of need in the application. The applicant can further demonstrate their hardship at the public hearing.

According to the site plan, the vehicle will be to the west of an existing shed. Per Section 216.C of the LDC, if this structure was large enough to store the vehicle, a Special Exception and additional landscaping and/or screening would not be required by the applicant.

5. *Commercial vehicles must park on the same lot occupied by the owner/operator of the vehicle.*

The vehicle will be parked on the same lot occupied by the operator of the vehicle.

6. *The vehicle shall not be parked in the front yard of the principal residence.*

The applicant's site plan (*Exhibit 5*) indicates the proposed parking area is not located in the front yard of the property.

7. *The parking area shall be at least 20 feet from all property boundaries.*

The property is about 0.82 acres (±35,719 square feet) and below RS minimum lot size. However, it is considered a lot of record as it met the minimum zoning requirements for "Single-Family" (SF-1M) at the time it was created in 1988. According to historical aerials,

the subject site remained vacant in the subdivision since its creation in 1988 up until June 2009 when a 1,344 mobile home was installed (Permit # 114668).

The submitted site plan indicates the proposed parking area for the commercial vehicle exceeds the minimum twenty (20) feet from property lines, but is within 200 feet, which will require additional screening (*Exhibit 5*).

8. *The vehicle shall park in a manner so that the minimum amount of vehicle surface is facing the road adjacent to the property, unless the vehicle is screened or buffered as provided.*

The site plan illustrates the commercial vehicle will be parked to the south of the mobile home in the year yard. The vehicle will be parked in a manner which exposes minimal view of the truck from the road. The nearest neighboring residential structures are 55 feet to the west and 130 feet east of the proposed parking location.

9. *When the vehicle parking area is less than 200 feet from a residentially designated or used property, it shall be buffered from the adjacent residential property with a Type B Buffer as outlined in Section 720. A fence with a minimum height of six feet may be used in lieu of, or in conjunction with, a vegetative bufferyard.*

If approved, the commercial vehicle parking location shall be confined to the area depicted on the site plan (*Exhibit 5*). The parking area is approximately 40 feet and 90 feet from the western and eastern neighboring residential property lines, respectively. This falls within 200 feet from the neighboring residentially designated properties requiring a Type “B” landscape buffer consistent with the width and planting requirements outlines in Section 720 (*Exhibit 8*). During staff’s site visit, the neighboring property to the east has existing mature vegetation and, unless removed, no additional plantings or screening will be required to the west. The nearest neighboring residential structures are approximately 55 feet west and 130 feet east of the proposed parking location.

10. *Refrigerator units on vehicles shall not be operated on the site.*

The vehicle has no refrigerator units.

11. *Approvals shall be valid for one year, or for a shorter period as specified by the Land Use Hearing Officer. Approvals may be renewed, with proper application following notice provided by the Land Development Division Director 30 days prior to the expiration date, if the commercial vehicle location is consistent with the Land Development Code. The applicant shall bear the burden in demonstrating that the vehicle parking still meets the criteria of the approved Special Exception and Section 216.*

This has been included in the conditions of approval.

Surrounding Future Land Use Designations and Existing Land Use Activity:

<p>Northwest: Residential Suburban (RS) Lot 115, mobile home Shady Hammock Subdivision ±0.26 acres</p>	<p>North: Residential Suburban (RS) Lot 116, mobile home Shady Hammock Subdivision ±0.33 acres</p>	<p>Northeast: Residential Suburban (RS) Lot 95, single-family home Shady Hammock Subdivision ±0.29 acres</p>
<p>West: Residential Suburban (RS) Lot 34, mobile home Shady Hammock Subdivision ±0.52 acres</p>	<p>Subject Property: Residential Suburban (RS) Lot 33, mobile home Shady Hammock Subdivision ±0.81 acres</p>	<p>East: Residential Suburban (RS) Lot 32, Utility easement, mobile home Shady Hammock Subdivision ±0.69 acres</p>
<p>Southwest: Recreation Open Space (ROS) Alafia River Reserve - Conservation Lands ±334 acres</p>	<p>South: City of Mulberry Vacant 23-acre conservation easement ±178.71 acres</p>	<p>Southeast: City of Mulberry Vacant 23-acre conservation easement ±178.71 acres</p>

The surrounding area is designated Residential Suburban (RS) and the site considered Lot 33 of the Shady Hammock Subdivision (PB 86, PGS 15 & 16) platted and recorded in 1988. Chapter 2, Table 2.2 of the LDC requires a minimum lot size of five (5) acres RS. While the subject parcel is beneath the required acreage, the parcel is considered a lot of record.

The subdivision was a result of a zone change from “Rural Conservation” (RC) to “Single-Family” (SF-1M) which received Board approval on December 23, 1986 (*ZCR 86-126*). “SF-1M” indicates mixed building types for either mobile homes or conventionally constructed buildings. Shady Hammock Subdivision had minimum lot sizes of 15,000 square feet at a net density of 2 dwelling units per acre, consistent with the zoning regulations at the time.

The property was first recorded through a quit-claim deed on June 1988, prior to the adoption of Land Development Code and Comprehensive Plan. There is currently a 1,344 square foot mobile home constructed in 1994 and placed on the site in June 2009 according to Building records and historical aerials (Permit # 114668). The applicant first purchased the property in September 2019. In 2025, a Special Exception for commercial vehicle parking was approved about ¾ mile to the north of the subject property at 4508 Thompson Road (LDLSE-2024-10).

The properties to the south and southwest were formerly owned by Mobil Oil Corporation in the 1980s with the vacant property directly to the south is in the City of Mulberry and 23 acres were set aside through a conservation easement in 2020 (OR Bk 11218, PG 1542). About 334 acres along the upper corridor of the Alafia River were purchased jointly by the County and the Water Management District (SWFWMD) in the 1990s. These natural wetlands and uplands are designated as Recreation Open Space (ROS) and considered protected environmental lands. Public access to the Alafia River Reserve can be found further west of the subject site at 4872 Indian Oak Drive.

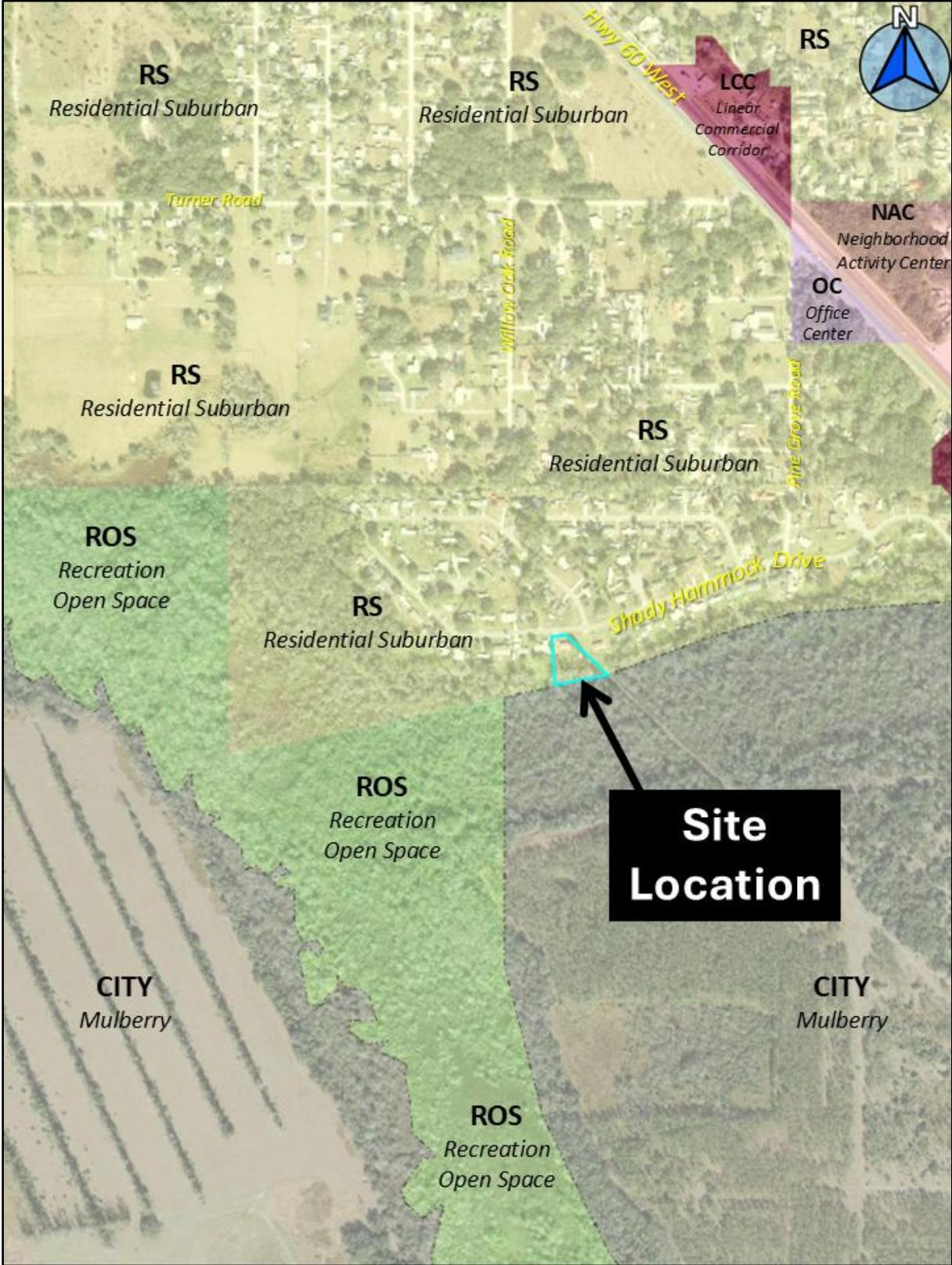
Comments from other Governmental Agencies: None

Exhibits:

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| Exhibit 1 – Location Map | Exhibit 5 – Site Plan |
| Exhibit 2 – Future Land Use Map | Exhibit 6 – Commercial Vehicle Pictures |
| Exhibit 3 – 2025 Satellite Image (Context) | Exhibit 7 – Commercial Driveway Specifications |
| Exhibit 4 – 2023 Aerial Photo (Close-Up) | |



Location Map



Future Land Use



2025 Satellite Image (Context)



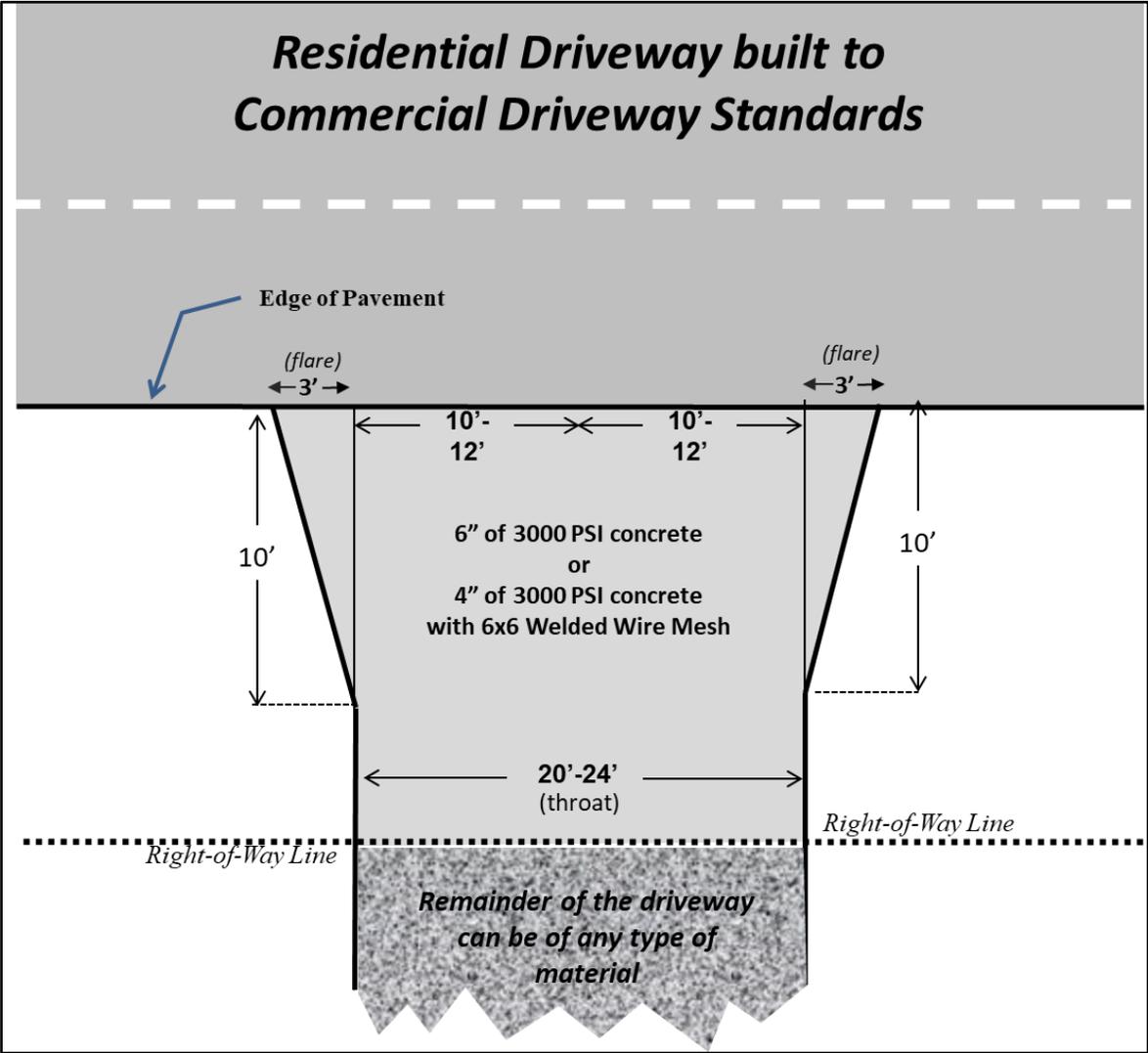
2023 Aerial Photo (Close-up)



Applicant's Site Plan

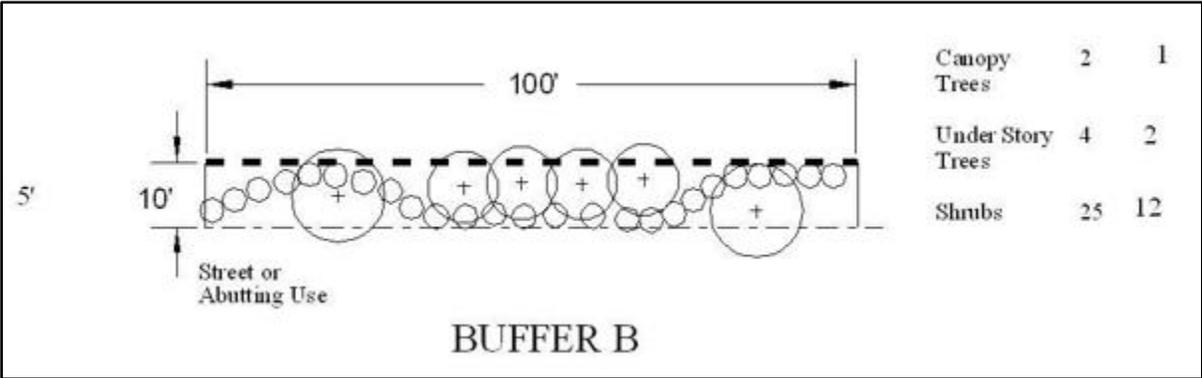


Commercial Vehicle Pictures



Commercial Driveway Specifications

(Per LDC Section 705.1)



Buffering and Screening Specifications

(Per LDC Section 720.L)